IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 298 OF 2006

Sharif Latif Shaikh.] .. Petitioner

Versus

1. The Versova Welfare Association High School & Junior College & Ors.] .. Respondents

Mr. Sandeep Y. Katkade with V. Nirmala Gopal for the petitioner.

Mr. L.M. Acharya for the respondent No.1.

Mr. P.A. Chavan i/b Little & Co. for respondent No.2.

Mr. R.J. Mane, AGP, for the respondent No.3.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA, JJ.

DATED: 05TH APRIL, 2006

P.C. :

. The petitioner, by this Petition, has invoked Article 226 of the Constitution of India to correct the record of his date of birth as 13th April, 1981 instead of 13th December, 1980 and for such other appropriate orders.

2. The petitioner states that he was bought up in Mumbai. He was born on 13th April, 1981. He completed his School education from Versova Welfare Association

High School, Mumbai. His mother is illiterate and inadvertently communicated to the School authorities, the date of birth of the petitioner as 13th December, 1980. The School record remained unaltered till the receipt of Leaving Certificate by the petitioner. The petitioner and his family have been celebrating his birthday on 13th April throughout. Sometime in the year 2005, petitioner came to know about his wrong date of birth as 13th December, 1980. He made enquiries and ultimately applied to the Mumbai Municipal authorities for Birth Certificate. The Birth Certificate issued by the Municipal authorities also reflects his date of birth as 13th April, 1981 and not 13th December, 1980. The petitioner, therefore, approached respondent No.1 - Versova Welfare Association High School & Junior College, Andheri Mumbai to correct the College Leaving Certificate. The petitioner has also filed his request letter dated 29th October, 2005 and Affidavit narrating the true facts about his date of birth with copy of the Birth Certificate. The concerned respondents, however, refused to correct his date of birth. Therefore, the present Petition.

3. Respondent No.2 is the Higher Secondary Education Board under whose directions all the Junior Colleges function. Respondent No.3 is the State of

Maharashtra. Respondent No.1 is the Junior College where the petitioner studied. In Writ Petition No.826 of 2006, on similarly situated facts and circumstances, this Court disposed of the Petition with the following observations:

> "The Secondary School Code 2002, in terms of Rule 26.3 and 26.4 along with Appendix 6 permits correction in the name as also the date of birth on complying with the provisions of the said rules and appendix. An enquiry however, has to be conducted and change ordered by the Education Inspector, Greater Mumbai. Considering that, prima facie we are satisfied that the name has been shown erroneously as also the date of birth. The petitioner is directed within one week from today to make an application to the Education Inspector, Greater Bombay. On receipt of such application, the Education Inspector, Greater Bombay, after conducting the enquiry as contemplated and after hearing the petitioner, pass necessary orders. On such orders being passed in favour of the petitioner, the other respondents to carry out the changes in the entries in terms of the procedure laid down for effecting the changes. The Education Inspector to complete the enquiry within four weeks from today."

4. With the above observation, Petition stands disposed of. All parties to act on the copy of this order duly authenticated by the Associate of this Court. No order as to costs.

Sd/-
[F.I. REBELLO, J.]

Sd/-
[ANOOP V. MOHTA, J.]